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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SCHLAGE LOCK COMPANY

Opposer

v.

ALTO PRODUCTS, CORP.

Applicant

Opposition No. 91/159,885

ANSWER

Applicant answers the opposition as follows:

1. Denied.
2. Applicant lacks sufficient information and belief to form an opinion with respect to the allegations of paragraph 1, and therefore denies the same.
3. Denied.
4. Denied.
5. Denied.
6. Applicant lacks sufficient information and belief to form an opinion with respect to the allegations of paragraph 1, and therefore denies the same.
7. Denied.
8. Applicant lacks sufficient information and belief to form an opinion with respect to the



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allegations of paragraph 1, and therefore denies the same.

9. Denied.
10. Denied.
11. Denied.
12. Denied.
13. Denied. However, Applicant admits that it applied for registration of KRYPTONITE (Ser. No. 76/493,797) for automotive parts namely anti-friction materials used on clutch plates sold through wholesalers to automotive professionals for their use in automotive repair, where the mark is not seen by the ultimate consumer.
14. Denied.
15. Denied.
16. Denied.
17. Denied.

DEFENSES

1. There is no confusion, or likelihood of confusion between Opposer's mark and Applicant's mark.
2. Opposer has failed to state a cause of action.
3. Opposer's mark has no secondary meaning and purchasers do not associate the mark with Opposer alone. Rather, the general public associates KRYPTONITE with the comic book character Superman owned by DC Comics, Inc.
4. Opposer has unreasonably delayed in asserting its rights against the Applicant and Applicant therefore invokes the equitable defense of laches.

5. Opposer has no use of KRYPTONITE in the automotive field.
6. Opposer has acquiesced in Applicant's use of KRYPTONITE.
7. Opposer is estopped from enforcing any rights it has acquired.
8. Opposer is bringing this action with unclean hands because it misappropriated rights to KRYPTONITE from DC Comics.
9. Opposer is not the true owner of the registered KRYPTONITE marks.
10. Opposer has defrauded the Trademark Office in obtaining its registered marks for KRYPTONITE.

Please charge any pertinent fees to Deposit Account No. 06-0515.

Respectfully submitted,

STEPHEN E. FELDMAN, P.C.

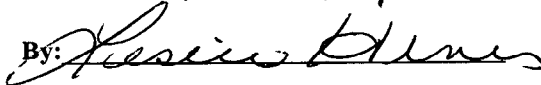
By:

STEPHEN E. FELDMAN
Attorney for Applicant

Dated: May 3, 2004

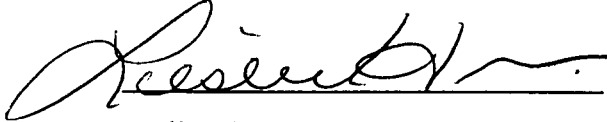
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on May 3, 2004.

By:



CERTIFICATE OF SERVICE

A copy of the foregoing Applicant's ANSWER has been served by Leslie Hines, by the undersigned via Regular Mail, this ^{3rd} day of May, 2004, upon Opposer's attorney, Judith L. Grubner, Esq., Michael, Best & Friedrich LLP, 100 East Wisconsin Avenue, Suite 3300 Milwaukee, WI 53202.

A handwritten signature in cursive script, appearing to read "Leslie Hines", written over a horizontal line.

Leslie Hines